

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

ROBERT C. BURROW, on behalf of
himself and others similarly situated,

Plaintiff,

v.

SYBARIS CLUBS INTERNATIONAL,
INC.; and RANDELL D. REPKE and
CHARLENE FARRELL,

Defendants.

No. 13-cv-02342

Honorable Harry D. Leinenweber

FINAL ORDER AND JUDGMENT

Upon consideration of Plaintiff's Motion for Final Approval of Class Action Settlement, and for an Award of Attorneys' Fees, Reimbursement of Costs, and Incentive Awards, the Court having made a final review of the settlement, including Plaintiff's submissions in support of attorneys' fees and costs, and having considered the representations of counsel for the parties, and the matters addressed by the motion, and a final fairness hearing on the settlement having been conducted in Courtroom 2214, United States District Court for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois, on April 3, 2017 at 9:30 a.m., due notice having been given, IT IS HEREBY ORDERED AS FOLLOWS:

1. Pursuant to Fed. R. Civ. P. 23, the terms of the Settlement Agreement, and the settlement provided for therein, are granted final approval as (a) fair, reasonable, and adequate in light of the relevant factual, legal, practical and procedural considerations of the Action; (b) free of collusion to the detriment of Settlement Class Members; and (c) within the range of possible final judicial approval.

2. Class Notice has been given to the Settlement Class, pursuant to and in the manner directed by the Order Granting Preliminary Approval of Class Action Settlement, proof of compliance with the Settlement Class Notice Program has been filed with the Court and a full opportunity to be heard has been provided to all parties to this Action, the Settlement Class and persons in interest. The form and manner of Class Notice is hereby determined to have been the best notice practicable under the circumstances, and, considering as well, that no class member has objected or sought to be excluded, and that class members have actually lodged some 650 valid claims (which will result in payments to them of approximately \$100.00 each), it is further determined that the Settlement terms are hereby approved as fair, final and binding upon all Settlement Class Members. .

3. The Court orders that the Settlement Agreement and Final Order and Judgment are approved, final, binding on, with *res judicata* and preclusive effect on all pending and future lawsuits or other proceedings encompassed by the Release as set forth in the Settlement Agreement, maintained by or on behalf of Plaintiff and all other Settlement Class Members, as well as their agents, heirs, executors or administrators, successors and assigns.

4. The Court adjudges that Plaintiff and the Settlement Class Members have conclusively compromised, settled, dismissed and released any and all Released Claims against Defendants Sybaris Clubs International, Inc., Charlene Farrell and Randell Repke.

5. Plaintiff's counsel are hereby awarded their requested attorneys' fees and costs in the amount of \$100,000, which amount the Court finds to be fair and reasonable given the result achieved for the Settlement Class; meaningful monetary benefits to Settlement Class members, substantial improvements to Defendants' call recording practices (particularly notice to customers), and the destruction of pre-lawsuit call recordings.

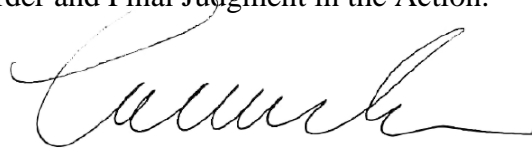
6. Plaintiff Robert C. Burrow is hereby awarded the requested \$2,500 incentive award, and Consumer Class Representative Fred Jarosh is hereby awarded the requested \$1,000 incentive award, which amounts the Court finds reasonable given their involvement and service to the Settlement Class.

7. The Court dismisses the litigation now pending against Defendants Sybaris Clubs International, Inc., Charlene Farrell and Randell Repke, on the merits, with prejudice and without fees or costs except as provided herein, in accordance with the terms of the Settlement, Final Order and Judgment set forth herein.

8. Without affecting the finality of the Final Order and Judgment for purposes of appeal, the Court reserves jurisdiction over the Settlement Administrator, Defendants, Plaintiff, Class Counsel and the Settlement Class as to all matters relating to the administration, consummation, enforcement and interpretation of the terms of the Settlement and Final Order and Judgment and for any other necessary purposes.

9. The Parties are hereby authorized and directed to comply with and to consummate the Settlement in accordance with its terms and provisions and this Final Order and Judgment, and the Clerk is directed to enter and docket this Order and Final Judgment in the Action.

Dated: April 4, 2017

A handwritten signature in black ink, appearing to read 'H. Leinenweber', written over a horizontal line.

Hon. Harry D. Leinenweber
United States District Judge